

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 939 – HB 1642

March 17, 2011

SUMMARY OF BILL: Adds a declaration that individuals claiming discrimination in employment or retaliatory discharge have the burden of proving that the alleged act is prohibited by law. Adds a declaration that employers shall prevail in such proceedings if the employer shows that the challenged employment action was based upon a legitimate business purpose.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – According to the Tennessee Human Rights Commission, this bill may jeopardize up to \$600,000 in federal funding per year that would be earmarked for contracts between the Tennessee Human Rights Commission and the U.S. Equal Opportunity Commission and the U.S. Department of Housing and Urban Development.

Assumptions:

- According to the Tennessee Human Rights Commission (THRC), the change in language will not be the substantial equivalent of federal law as set by the Civil Rights Act of 1964, 42 U.S.C. 2000e (2)m, and therefore may jeopardize up to \$600,000 in federal funding per year for various THRC contracts with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development due to a violation of the contracts which state that changes in state law may constitute a violation.
- There will be no impact on the duties of the Department of Labor and Workforce Development.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/jaw